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Attorney for State of New Jersey and Paula T. Dow, Attorney General of New Jersey

By: Jennifer S. Hsia  
Deputy Attorney General  
(609) 633-8687

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
VICINAGE OF NEWARK

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RICHARD H. KRESS, : HON. DICKINSON R. DEBEVOISE,  
Plaintiff, : U.S.S.D.J.  
v. : Civ. Action No. 10-915 (DRD-MAS)  
STATE OF NEW JERSEY, ET AL., : NOTICE OF MOTION TO EXTEND TIME  
Defendants. : TO ANSWER, MOVE OR OTHERWISE  
REPLY PURSUANT TO FED.R.CIV.P.  
6 (b) (1) (B)

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TO: CLERK OF THE COURT

Glenn Cavanagh, Esq.  
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727 Raritan Road  
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(Attorney for RHK)

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(Attorney for RHK)

PLEASE TAKE NOTICE that on February 7, 2011, the undersigned Paula T. Dow, Attorney General of New Jersey, by Jennifer S. Hsia, Deputy Attorney General and Steven A. Yomtov, Deputy Attorney General, on behalf of State of New Jersey and Paula T. Dow, Attorney General of New Jersey, shall move before the Honorable Dickinson R. Debevoise, U.S.S.D.J., in the United States Court House, Newark, New Jersey, for an order dismissing the Second Amended Verified Complaint pursuant to Fed. R. Civ.P. 12(b) (6) or in the alternative an Order granting Summary Judgment pursuant to Fed.R.Civ.P. 56.

**PLEASE TAKE FURTHER NOTICE** that the undersigned will rely upon the enclosed brief, declaration of Jennifer S. Hsia and exhibit in support of this motion.

It is respectfully requested that the Court rule upon the moving papers submitted, without requiring appearance of counsel, pursuant to Fed. R. Civ. P. 78.

A proposed form of Order is attached.

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY

By: s/Jennifer S. Hsia  
Jennifer S. Hsia  
Deputy Attorney General

Dated: January 24, 2011